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Paper No. 41

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In re Application of

Locher, et al.

Application No. 09/068,278

Filed: July 9, 1998

Attorney Docket No. ROSS11-PC/P

**COPY MAILED**

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**OFFICE OF PETITIONS**

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 22, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely response to the final Office action mailed November 22, 2002. The final Office action set a shortened statutory period from reply of three months from its mailing date. On March 10, 2003, a response to the final Office action was filed along with a request for an extension of time within the third month. On March 13, 2003, an Interview Summary was mailed indicating the response of March 10, 2003, was not proper and that the time set for response to the final office action continued to run from November 22, 2002. No further responses were received within the allowable period, and the application became abandoned on May 23, 2003. June 18, 2003.

The request for an extension of time within the third month is noted, but is not necessary in this instance. The instant petition is not a renewed petition of the petition under 37 CFR 1.137(a) filed June 13, 2003. An extension of time would only be necessary to make a renewed petition timely. The fee for the extension of time within the third month will be refunded, in due course.

The Request for Continued Examination, filed September 22, 2003, is noted and made of record.

The application file is being forwarded to Technology Center 3700 for further processing.

*In re Application of Locher, et al.*  
09/068,278

Page 2

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0010.

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Office of Petitions